



EV 317350105 US 10-22 H 455

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John N. Freskos, et al.
Serial No: 10/657,034
Confirmation No: 9057
Filed: September 5, 2003
For: Aromatic Sulfone Hydroxamic Acids and Their Use as Protease Inhibitors
Group Art Unit: 1625
Examiner: Zinna Northington Davis
Attorney Ref: 3316/0A/US
Pfizer Ref: 31241/USA
HDP Ref: 6794-000005/DVC

October 21, 2004

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

According to the Patent Office's patent application information retrieval system, the period of Applicants' delay for the above-referenced allowed patent application is 71 days.

Applicants submit that the period of Applicants' delay is 0 days because Applicants have not delayed prosecution. Specifically, the Patent Office indicates that the delay stems from Applicants' filing a supplemental amendment on July 15, 2004. Applicants filed a response to the April 27, 2004 restriction requirement on May 5, 2004 (*i.e.*, within the 1-month period set up by the Patent Office). In a July 15, 2004 phone call, the Examiner imposed a further restriction requirement. Applicants filed this supplemental amendment on the same day in response to the further restriction requirement. Thus, this supplemental amendment does not constitute a delay.

Applicants request that the Patent Office correct its records to reflect the lack of Applicants' delay. While such a correction will not change the current patent term adjustment (*i.e.*, 0 days), it will allow Applicants to seek patent term adjustment under 37 C.F.R. §1.705(d) if the Patent Office issues a patent more than four months after the issue fee is paid.

10/25/2004 NNGUYEN2 00000092 10657034

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U.S. Patent Application No. 10/657,034
Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. §1.705(b)
October 21, 2004

Applicants state that the patent to issue from this application will not be subject to a terminal disclaimer.

Applicants have enclosed a check for \$200.00 fee as set forth in 37 C.F.R. §1.18(e) (but request that this fee be refunded when this petition is granted). Applicants believe that they do not owe any other fee in connection with this request. If, however, Applicants do owe a fee, the Commissioner is hereby authorized to charge the deficiency or overpayment to Deposit Account No. **08-0750**. In addition, if there is ever any fee deficiency or overpayment in connection with this patent, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Respectfully submitted,



Lydia N. Nenow, PTO Reg. No. 52,530
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(314) 726-7500 (tel)
(314) 726-7501 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **October 21, 2004** with sufficient postage as first class mail (including Express Mail per MPEP §512), and addressed to **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



Lydia N. Nenow

LNN/LVE



EV 317350105 US

PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 200.00**Complete if Known**

Application Number	10/657,034
Filing Date	September 5, 2003
First Named Inventor	John N. Freskos, et al.
Examiner Name	Zinna Northington Davis
Art Unit	1625
Attorney Docket No.	3316/0A/US (6794-000005/DVC)

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☐ Deposit Account:Deposit
Account
Number
08-0750Deposit
Account
Name
Harness, Dickey & Pierce, P.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-	**	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims		-	**	=	0	X		=	0
Multiple Dependent						X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) 37 C.F.R. §1.18(e) fee for request for reconsideration of patent term adjustment under 37C.F.R. §1.705(b)

200

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 200.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Lydia N. Nenow	Registration No. (Attorney/Agent)	52,530	Telephone	314-726-7500
Signature	<i>L. Nenow</i>			Date	October 21, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



EV 317350105 US

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/657,034		
	Filing Date	September 5, 2003	
	First Named Inventor	John N. Freskos, et al.	
	Art Unit	1625	
	Examiner Name	Zinna Northington Davis	
Total Number of Pages in This Submission		Attorney Docket Number	3316/0A/US (6794-000005/DVC)

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration for Patent Term Adjustment Under 37 C.F.R. §1.705(b); Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Lydia N. Nenow	Reg. No.	52,530
Signature					
Date	October 21, 2004				

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Lydia N. Nenow	Express Mail Label No.	EV 317350105 US
Signature		Date	October 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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